

REMARKS

This Amendment responds to the Office Action mailed July 10, 2006 in the above-identified application. Based on the foregoing amendments and the following comments, reconsideration and allowance of the application are respectfully requested.

Claims 1-18 are currently pending in the application. Independent claims 1, 5, 8, 12 and 15 have been amended. No new matter has been added.

The Examiner has rejected claims 1-18 under 35 U.S.C. §103(a) as unpatentable over Bommaiah et al. (AMRoute Internet Draft 1998), and further in view of English (US 6,757,553), Trompower (US 5,924,040) and Proctor Jr. (US 2003/0048770). The rejection is respectfully traversed in view of the amended claims.

In the Office Action, the Examiner provides the following basis for combining Bommaiah with Proctor, English and Trompower: "It would have been obvious to one skilled in the art at the time of the invention to modify Bommaiah, such that it adjusts an antenna sensitivity pattern of one or more nodes in the wireless mesh network to exhibit spatial selectivity, to provide means for using directional beams to extend coverage area(s) for the LAN so as to include users who would not be within range of an omni antenna" (paragraph beginning at the bottom of page 4 of the Office Action).

Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness, because the Office Action does not identify any suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the reference teachings. It is well-established that the teaching or suggestion to make the claimed combination must be found in the prior art, and not based on Applicant's disclosure (MPEP §2142). The Examiner is respectfully requested to point out the basis in the references for combining Bommaiah with Proctor, English and Trompower, in view of the fact that Bommaiah contains no teaching whatever regarding antennas or antenna patterns. No reason is seen why the skilled person reviewing Bommaiah would look to English, Trompower or Proctor, absent knowledge of the present invention. Applicant contends that the combination of Bommaiah with English, Trompower and Proctor is improper and should be withdrawn.

Applicant's independent claims have been amended to recite adjusting an antenna sensitivity pattern to exhibit spatial selectivity to enable discovery of a wireless node that is out of range of an omnidirectional antenna sensitivity pattern. The Examiner asserts that Proctor and Trompower teach adjustment of sensitivity patterns to "locate" a mobile unit. Applicant submits that locating a mobile unit is different from discovering a wireless node that is out of range of an omnidirectional antenna pattern. In particular, "locating" a mobile unit refers to determining the position of a known mobile unit with respect to a reference position, such as a base station. Proctor, English and Trompower do not teach or suggest using an adjusted antenna pattern to discover a wireless node that is out of range of an omnidirectional antenna sensitivity pattern, as recited by Applicant's amended claims.

For at least these reasons, amended independent claims 1, 5, 8, 12 and 15 are patentable over Bommaiah in view of English, Trompower and Proctor, Jr. Claims 2-4 depend from claim 1, claims 6 and 7 depend from claim 5, claims 9-11 depend from claim 8, claims 13 and 14 depend from claim 12, and claims 16-18 depend from claim 15. These claims are patentable over the cited references for at least the same reasons as independent claims 1, 5, 8, 12 and 15. Accordingly, withdrawal of the rejection is respectfully requested.

Based upon the above discussion, claims 1-18 are in condition for allowance.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to deposit account no. 23/2825.

Dated: October 10, 2006

Respectfully submitted,

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